

LEVINE LEE LLP

NEW YORK

Scott B. Klugman
5 Columbus Circle, 11th Floor
New York, New York 10019
212 257 4030 direct
sklugman@levinelee.com

February 4, 2022

VIA ECF

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Columbia University v. Encyclopaedia Iranica Foundation, No. 19-cv-07465 (AT)

Dear Judge Torres:

We respectfully submit this letter on behalf of Defendant Encyclopaedia Iranica Foundation, Inc. (“EIF”) to seek clarity regarding Your Honor’s January 26, 2022 order (Dkt. No. 156, the “Order”) holding a ruling on EIF’s request to file a motion to dismiss in abeyance until the time pre-motion letters regarding summary judgment are due. Your Honor’s Individual Practices provide that “[t]ransmittal of a pre-motion letter for a proposed motion under Federal Rule of Civil Procedure 12(b) stays the time to answer or move to dismiss until further order of the Court.” *See* Section III.B.iii. Because the Order does not deny EIF’s request to move to dismiss or postpone EIF’s request until trial, EIF interprets the Order as continuing EIF’s extension of time to answer the second amended complaint until after the parties’ pre-motion letters regarding summary judgment are due, or until such other time as the Court issues a final ruling denying EIF’s request to file a motion to dismiss. *See* Fed. R. Civ. P. 12(a)(4)(A) (“[I]f the Court denies the motion [to dismiss] *or postpones its disposition until trial*, the responsive pleading must be served within 14 days after notice of the court’s action.”) (emphasis added).

To the extent EIF’s interpretation of the Order is incorrect and the Order requires EIF to file an answer, EIF requests a three-week extension of its time to do so from February 9, 2022 to March 2, 2022.

This would be EIF's first request for an extension of time to answer Plaintiff's second amended complaint. EIF has conferred with Plaintiff, who does not oppose EIF's request for an extension in the event it is required to answer.

Respectfully Submitted,

/s/ Scott B. Klugman

Scott B. Klugman

Seth L. Levine

Ilana R. Roberts

cc: Counsel for all parties (via ECF)